

State of Tennessee  
Department of Environment and Conservation  
Division of Water Pollution and Control  
401 Church Street  
L&C Annex 6<sup>th</sup> Floor  
Nashville Tn 37243-1534

RECEIVED  
AUG 9 2007  
Enforcement/Compliance

Subject:

Case #07-095

HRRW Properties

500 Steam Plant Road  
Gallatin, TN 37066

TDEC,

Please accept this letter as an official appeal of the fines levied against HRRW, LLC through an order mailed July 10, 2007. We feel the fine was not warranted as we have tried everything we could, except install new infrastructure (now in process) to prevent the possibility of future water and sewer problems. With the circumstances involved we feel that a fine almost three years after the last NOV is not justified as we assumed the permit issue was resolve because of information provided to us and also the fact we received no additional NOV. At this time we are in the process of receiving bids to install new sanitary sewer lines, a lift station, and water lines so that any past problems will be resolved as each individual trailer will be connected to the Gallatin Public utility System.

This property was purchased several years ago by HRRW as an existing trailer park. It has been in operation for rover 30 years, with to our knowledge or any available information, the park has never been notified by the TDEC about requirements for a permit. The park began having sewer problems around October of 2003, after it was reported that a pump station was overflowing.

We have spent thousands of dollars trying to correct the problems with the system. It has been an impossible task to complete as every time we would complete a repair something else would happen. The things that would happen were not normal repairs. A lawsuit was filed against the previous owner and many of the problems arose from tenants that testified on the previous owner's behalf. We had tenants that unhooked their lines and let the sewer run, which we can't prevent 24 hours a day, but the responsibility falls back on us as. Sewer cleanout caps were intentionally broken, opened, and otherwise vandalized. The grinder pump has been replaced twice, pumped and cleaned several times. Clothes, Fishing lines, plastic bags and numerous other items have been found in the pump. We are not trying to lay the responsibility on other as we own the property, we just are trying to explain that we have been

responsive, and ultimately have decide to spend about \$200,000 to correct all the problems.

We understand the seriousness TDEC's concern for the permit for inspections to make sure the operations are in order to prevent the sewage run off into the water. Again, the park has been in operation for over thirty years without a permit before we assumed ownership. Also, poor communication between all involved has not help resolve the issue sooner. Even after receiving the NOV from TDEC we were told by Gallatin Public Utilities that a permit was not required. We have since learned that the State does require a permit to operate a central collection system even though it ultimately it is begin sent to GPU's sanitary sewer system for treatment and discharge.

Having given a little history we feel that several circumstances create a situation where the fine should be removed.

- Park was in operation over thirty years prior, why was a permit not required by previous owners.
- Division did not realize until July 2007 that the site was inside city limits. This lack of knowledge may have prevented TDEC from forcing GPU to take responsibility and repair the system, since ultimately the treatment and discharge fall to GPU.

Enforcement action was started almost three years after last NOV and after notification of plans to improve system and turn it over to GPU. Also, fine was levied almost two months after plans received by division and three years from last NOV. Because of information provided HRRW, and no additional NOV were received for almost three years, it was assumed the permit was not an issue.

- In October of 2003 a Nov was sent requesting a permit, or that the GPU take over the system. Also, a request was made to submit a corrective action plan. HRRW responded by correcting known problems. No permit was applied for as this where communication was an issue as HRRW understood through correspondence with GPU that repairs were needed but it was there understanding that a permit was not required. Also, we now understand that GPU could have been made responsible to take over system as it is in the City limits and ultimately the Parks sewage treatment was their responsibility.
- In August of 2004 it was reported that sewage was again overflowing. Department contacted responsible parties and repairs were again made.
- In June of 2005 division personal visited the site and found pooling of sewage from a missing cleanout cap. Contact was made with HRRW and

repairs were completed.. This is a situation that was caused by a tenant who removed the cleanout and let his sewage be dumped. We can only repair this when we are notified but a tenant can create this situation on an ongoing basis with no way for us to prevent.

- In December of 2006 division personnel visited the site again and notified of several pools of sewage, and around trailers. It was stated a cleanout was filled with gravel. Again we do not remove the cleanout caps, and to be filled with gravel it had to be intentional.
- In April of 2007 HRRW met with the City of Gallatin to discuss remedies for the sewer problems. It was agreed that HRRW would construct new infrastructure to eliminate the problems. Also, if built to State and City specs, that GPU would take over the system.
- April 12. 2007 division personnel visited the site and referred the case for enforcement. No notices of violations have been sent since 2004, so one could assume that the permit issue was gone. Division personnel also knew of plans to complete new infrastructure before referring of enforcement.
- May 23. 2007 division personnel received the plans and specifications for improvements, almost two months before enforcement actions began.

We understand the seriousness of the problem at 500 Steam Plant Road, and have tried to correct any problems surrounding the system to the best of our ability and knowledge. We are asking that you waive the fine because of all the circumstances involved. Forget about that we feel we and the state were not totally informed about this site and who had the responsibility if the treatment, that we assumed because we were told a permit was not needed and that since we had not received anything requesting one in almost three years, and that many of the problems were caused and reported by disgruntled tenants. Please consider that in April of 2007 after HRRW has tried many avenues and spent thousands of dollars to try and correct, HRRW is in the process of rebuilding the sewer system at a cost of approximately \$200,000 dollars. GPU will assume the lines upon completion and in the long run this will be the most reliable solution to prevent any future problems.

Sincerely,

Daryl Holt, Member